

REMARKS

Claims 1 - 7 are pending in the present application. By this Amendment, claims 3-7 have each been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated August 19, 2004.

Examiner Interview:

The courtesy extended by SPE Warden to Applicants' representative during the November 9, 2004 personal interview is gratefully appreciated. The substance of such interview is incorporated into the following remarks.

35 USC §112, Second Paragraph Rejection:

Claims 1- 6 stand rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

This rejection is respectfully traversed.

More specifically, the Examiner asserts that “[c]laims 1-5 are drawn to an automatic synthesis machine, but only the display device and a selection control device are recited in the claims. Applicants must set forth the structure of the synthesis machine, i.e. reaction vessels, etc., and how they inter-relate structurally and/or functionally with the display and control devices.”¹

¹ Please see, lines 13 – 18, page 2 of the Action.

However, it is respectfully submitted that the Examiner's position is overcritical since claim 1 does call for display protocols wherein the protocols include one of a reagent type and an operation type which are clearly used in an automatic synthesis machine.

Furthermore, each of claims 3 – 5 has been amended to overcome this rejection. That is, as discussed on page 15 of the present specification, “[t]he control device 3 causes the synthetic reaction device 2 to carry out the synthesis process according to the protocol.” Further, claim 6 has been amended to include the feature of a protocol execution means for executing the analyzed protocol, which is clearly supported in lines 16-17, page 29 of the present specification. Accordingly, withdrawal of this rejection is respectfully requested.

As to the Merits:

As to the merits of this case, the Examiner relies on the newly cited reference of Inoue (U.S. Patent No. 6,740,296) in setting forth the following rejections:

- 1) claims 1-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Inoue; and
- 2) claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,489,168, of record).

Each of these rejections is respectfully traversed.

Independent Claim 1:

Claim 1 call for *a selection means for selecting one or more vessels among the vessels displayed on a screen of the display device.*

In Inoue, an operator sets a synthesizing protocol for carrying out the synthesizing process in the synthesizer, wherein the synthesizing protocol includes a plurality of processes for synthesizing compounds, an order of the plurality of processes, specific procedures in each process and a dispensing procedure. The dispensing procedure of the synthesizing protocol includes information with regard to an amount of liquid chemicals to be dispensed, liquid containers (6, 7, and 8) which contain the liquid chemicals to be dispensed, and reaction vessels 2 to which the liquid chemicals are dispensed.

Thus, while Inoue discloses that an operator sets a synthesizing protocol which includes a dispensing procedure, the reaction vessels 2 are chosen based on the dispensing procedure of the selected synthesizing protocol, and are not selected from a screen of a display device displaying one or more vessels, as called for in claim 1.

Further, with regard to Wang, while such reference clearly discloses in Figs. 6a and 7a, reactor setup window 600 and monitor reaction window 700, for setting up parameters for a reactor and monitoring an experiment, respectively, Wang fails to disclose a selection means for selecting one or more vessels among the vessels displayed on a screen of the display device, as called for in claim 1.

Independent Claims 3-5:

Independent claim 3, as amended, now calls for *wherein said display device is connected to a protocol creation means for creating a protocol prescribing the procedure of synthesis operation related to said vessels, and said selection means receives data related to the vessels set in creation of the protocol from said protocol creation means, causing the display device to display the selected vessels in a manner such that they can be identified on the screen from the non-selected vessels, together with the operation contents related to the selected vessels.*

Independent claim 4, as amended, now calls for *wherein said display device is connected to a storage means for storing a protocol prescribing a procedure of synthesis operation related to said vessels, and displays the stored protocol in said storage means on the screen for selection of one line of the displayed protocol by said selection means, causing the display device to display the selected vessels described in the selected protocol line in a manner such that they can be identified on the screen from the non-selected vessels, together with operation contents related to said selected vessels.*

Independent claim 5, as amended, now calls for *wherein said display device is connected to a protocol execution means, and said protocol execution means reads out a protocol from a storage means one line at a time in sequence for execution, causing the display device to display the protocol line in process of execution on the screen, together with the vessels described in said protocol line and operation contents related to said vessels in a manner such that the described vessels can be identified on the screen from the non-described vessels.*

More specifically, support for these features of each of claims 3-5 is provided in lines 14-17 of page 18, lines 4-6 of page 19 and lines 1-3 of page 20 of the present specification, respectively.

It is respectfully submitted that Wang fails to disclose that the selected vessels may be displayed in a manner such that they can be identified by varying a display form such as a difference in density, patterns, framing and colors, as discussed on page 19 of the present specification.

In addition, with regard to the Inoue² reference, it is respectfully submitted that while Inoue may disclose that an operator sets a synthesizing protocol according to setting pictures which are displayed in the monitor 19 (see, col. 5, lines 65-67), Inoue also fails to disclose that the selected vessels may be displayed in a manner such that they can be identified by varying a display form such as a difference in density, patterns, framing and colors.

Independent Claims 6 and 7:

With regard to claims 6 and 7, it is submitted that these claims are directed to the second embodiment of the present invention discussed on pages 25-38 of the present specification, and more particularly to an analysis means 9, which is able to pick out all the operation contents

² Please note that since the present application has a filing date that falls after November 29, 1999 and the Inoue reference is assigned to Shimadzu which is the same assignee of the present application, the Inoue fails to qualify as a prior art reference under 35 USC §103.

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related to a selected vessel and determine if a procedure error exists with regard to the selected vessel.

That is, the SPE's attention is directed to Fig. 17 in which the analysis means 9 picks out the command related to the selected vessel 3A from the protocol shown in Fig. 10 and determines if the procedure for the selected vessel 3A is correct.

It is respectfully submitted that Inoue fails to disclose such an analysis means, and further that the SPE had failed to even assert that an analysis means is disclosed by Inoue in the outstanding Action dated August 19, 2004.

Further, with regard to Wang, it is respectfully submitted that while Wang does disclose a data analysis module 145, such module 145 is for performing quantitative calculations on sampled data (see, col. 6, lines 29-31, 61-65) and not for picking out commands related to a selected vessel from a protocol and determining if the procedure for the selected vessel is correct, as called for in each of independent claims 6 and 7.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

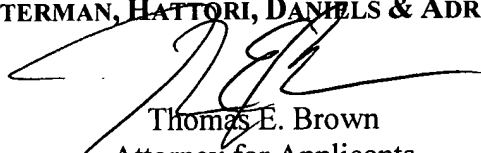
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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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